

DEDHAM BOARD OF HEALTH
MEETING
JUNE 29, 2015

IN ATTENDANCE:

DR. SARAH ROSENBERG-SCOTT

CHAIRPERSON

LEANNE JASSET, B.S.P. RPH

VICE CHAIRPERSON

JASON BROGAN, MSM, MEMBER

CATHERINE CARDINALE, R.S. HEALTH DIRECTOR

JOAN CONWAY, ADMINISTRATIVE ASSISTANT

Dr. Rosenberg-Scott called the meeting to order at 6:37 p.m. The first item on our agenda is to accept the minutes of June 17, 2015. Jason made a motion to accept the minutes which were seconded by Leanne Dr. Scott asked all in favor aye opposed none; minutes accepted.

An open meeting violation was filed regarding the June 17th meeting. The action requested was that we hold another meeting in June for residence to present their concerns about the Spectra Energy pipeline hence here we are tonight. We hope that our meeting tonight satisfies that request. Dr. Scott asked if there was any discussion from the other board members; Leanne asked what the violation was. Dr. Scott said the violation was that the Board of Health meeting, held on Wednesday, June 17, 2015, was posted; in the town hall and library per the town clerk in that office however no other means to inform the public were made specifically as Mass state law the requirement that the postings be available to all residents at all hours and the concern was that the posting was not available outside of town hall and that it was not posted on our web-site.

Paul Munchbach, Town Clerk

Paul addressed the assembly I actually spoke to Ms. Whitfield about the alleged violation per the open meeting law that was adopted in 2010 that you need to not only have a posting within town hall but one that is also available at a 24 hour location that is handicapped accessible and well lite. In 2010 once the new law was adopted the town clerk's office was very aggressive to make sure we complied with the new state regulation so we posted two bulletin boards outside the back door of town hall because of the handicapped accessible door and made sure it was well lite one of the bulletin boards is lower than the other so it can be read by someone in a wheelchair. So that requirement was met. Anytime a meeting is posted it is date and time stamped in our office and the log book is signed by the person posting the meeting. Once that is done the notices are sent to both libraries and posted outside as well as inside of town hall. We do have a by-law that says that meetings should be posted on the web-site but it does not affect the meeting because it would contradict what the state open meeting law violation is. We have been having seminars with Kopleman and Paige Law Firm. We will be having a meeting in the fall with different boards about agenda's and postings and drafting minutes up because the law keeps on changing. This will help in keeping transparency to make sure all meetings are not only posted in the required spots but that they get on the web-site as quickly as possible so that anybody that cannot make it to town hall will have the ability to know that we are having a meeting and we are asking boards and committees that their agendas are very specific not only with the time and location but with what will

be discussed at those meetings. Dr. Scott asked if there was any other discussion about that and no one responded.

Dr. Rosenberg-Scott said we will now move on to our agenda item to discuss the Spectra Energy Pipeline. I would like to open this up for public comments. We need a show of hands so we can consider time for each person to speak. Please keep comments to a few minutes and introduce yourself please.

Dr. Scott introduced the staff members Cathy Cardinale and Joan Conway from the Board of Health office; and Johnathan Eichmann Esq. from Kopleman and Paige introduced as did Jackie Cowan Esq. Jason Brogan and Leanne Jasset also introduced themselves.

Mr. Nathan Phillips, a professor from Boston University Department of Earth and Environment. Mr. Phillips was asked to make some remarks this evening by Charles Derber and Virginia Hickey as concerned citizens about the proposed pipe-line. The reason they asked me is because I have experience doing research on natural gas systems in urban and suburban areas. In 2012 a team that I was part of published a paper that documented thousands of natural gas leaks in the City of Boston. Subsequently we published work in Washington D.C. that showed about six thousand pipeline leaks in that city. So as a result of that research I've become aware of some of the health and safety issues associated with natural gas pipelines. The vast majority of pipelines that we have been studying are the ones that are running under our streets and lawns that are low pressure pipelines. They are very different from the proposed lines going in they are high pressure lines. Some of the things we have learned about pipelines that apply in general so I would like to share a couple of things. I am not trained as a medical or health professional so I cannot speak to those issues. Leaking natural gas is a precursor to ground level ozone which is bad for respiratory health as well as phemaldehyde and I will leave it at that. An analogy to think about in regard to pipeline safety is not a bad one is the risk we take when we go in motor vehicles. We drive with the risks in the back of our mind at all times. There are a number of things that also apply to pipeline risks. What we call low probability but high impact events that is the risk profile that pipelines present. So with the Spectra pipeline it probably will not explode. Just like when you drive home this evening you probably will not get in an accident. That doesn't eliminate the serious consideration of other risks that may present themselves. Another analogy is you are driving an old car and the wheel fall off because it hasn't been maintained well. Similar to what we found in Boston with 100 years old gas pipes that are made out of cast iron. That is not what this proposed pipeline is going to be it will be a newer material. Going with that analogy the number one reason for pipeline failure is not because of old leaking pipes. It's because of third party damage; contractors, utility workers or others who accidentally hit the pipe. Similar to motor vehicles we have horrific accidents that happen when cars are in perfect working condition but there is operator error. Or driving under the influence or have an accident that is not related to how new or well maintain the vehicle is. So that is something to keep in mind when you think about a new pipeline going in well it doesn't mean there are no risks associated with it. Across the country the number one incident that leads to property loss or human health damage or death it is these third party hits. It is not old decaying pipes it is because these pipes are buried out of sight and out of mind and even the experts often don't know what is down there. There is evidence of continuing problems even in these low pressure distribution pipe lines in greater Boston today. We have been out on the streets to follow-up on our research measuring the leakage rates coming out of these gas leaks. We studied 100 of these gas leaks and found that 15 of those 100 qualify as what we call grade 1 leaks. That is an explosive hazard. So in spite of assurances that the system is safe I know from my own experience that today there are places out there that at an explosion risk. Now the risk is very low but again if something happens it is a kind of roll of the dice.

Dr. Dennis Teehan, Board of Selectmen Dedham spoke next. He thanked the Board for holding this meeting. He stated he has a degree in environmental health. When I first heard about this project I was against it for a lot of reasons. It comes down to two separate areas of public health.

1. Public Health implications. From my background in environmental epidemiology which is basically the science of how disease effects population. I know it is really hard to find out what the health effect are it takes generations to manifest. We don't know what the public health implications of this project will be and I don't think anyone does. And we probably won't for quite some time. All these organic chemicals what are the health effects we don't know are they things like asthma, maybe cancer we don't know. And that presents an unknown risk to the community and one I was not comfortable with.
2. Public Safety. There is a clear public safety risk to this project. It was poorly thought-out based on the route that it takes. There is no clear benefit to this community.

Margaret Whitefield from 255 East Street spoke next. She stated that the pipeline is 20 ft. away from her living room. She asked the Board of Health, to like the town of Deerfield did, and passes a resolution stating that the instillation of this high pressure gas line represents an unreasonable risk to the health and lives of the town of Dedham. And thus orders that Spectra Energy and its subsidiaries cease from carrying on any activities in Dedham associated with the pipeline. It has been done in the town of Deerfield they argue that have legal arguments to state their reasoning behind the resolution that the Board of Health passed. There are several areas of this high pressure pipeline that impact the health and safety of our community. First it is being installed in a highly residential area, it crosses a soccer field which includes unknown toxic waste we believe it could be arsenic given that the field was a MBTA train depot in the past. We have been told the gas will be odorless and we wouldn't know if there is a leak until it is too late. In case of failure the safety valves exist in Westwood and West Roxbury those are shut off what happens to the gas in between that needs to be expelled. These types of pipelines are usually installed in rural area. When there have been explosions they have led to minimal loss of life and property. That would not be the case in Dedham. Spectra Energy has a very poor safety record they have multiple fines by the Federal agencies involved. We do know that emissions from gas infrastructure have caused symptoms such as nose bleeds, sore throats, rashes, headaches, dizziness, nausea, depression, irregular heart beat and the list goes on. 90% of individuals living and working within 2 to 3 miles of such infrastructure report experiencing odor events and their health impact. Additives and any number of other toxic substances in this fracked gas are a cause for extreme concern on the effect of people's health. We are within our rights and within reason to request the health cost of such infrastructure on the population be examined. I want you to help me to explain to my children when they ask me is this going to explode are we safe will this make me sick. My job is to reassure them that of course we are safe; but I need your help in reassuring me that my children and my family are safe. I can't move this is my home I have lived here for 18 years. My children go to school here they play every sport this town has to offer. They are involved in the library every Saturday we go to church every Sunday we love it here. I need your help and I think there is an opportunity for your help in this matter. We have faith that you will take action on behalf of our health our children and our neighbors. Thank you.

Virginia Hickey: I live on East Street as well I am here because this pipeline terrifies me and I think it has no place in the town. I am here to ask that the Board of Health pass a resolution that states the instillation of the high pressure transmission gas line represents an unreasonable risk to the health and lives of the residents of Dedham.

Jessica Porter: Willow Street immediate abutter to the pipeline project. I think what people don't realize when they look at the map is just how many residential areas are impacted. I would like to first thank you for having this meeting. The more I learn the more I am conflicted about what I can say in my house I have two kids who are now terrified of this pipeline. It is a big concern and an ever present danger in our lives.

1. Spectra are very good at getting approval for their pipelines and convincing people that they are safe.
2. They are not good at maintaining these lines. British Columbia has called them the worst polluters. As a Board of Health the safety of Dedham in the long term is your responsibility.
3. This Board has shown real leadership when it came to tobacco regulations. A few years ago before other communities this board was very impressive in rising the age to buy tobacco to 21 years of age. You put a line in the sand and said not in our town not here. That is what we are asking you to do with this pipeline pass a resolution that states that the installation of a high pressure gas transmission line represents an unreasonable short and long-term risk to the health and safety of Dedham residents. And order Spectra and there subsidiaries to cease from carrying on any activities. Thank you.

Meg Duncan: I live on Street in Dedham. I am concerned about the pipeline running under Gonzales field where hundreds of children play sports spring summer and fall including my own. The soccer field is known to have un-known hazardous waste buried under it which would be disturbed during installation of the pipeline could release those hazardous materials into the air and possibly into the water because that is a wetland buffer zone. There is a high probability of arsenic buried in that field because of the MBTA right of way. It is in a close proximity to school and playgrounds as well as residential areas. I ask you to pass a resolution that states the installation of this pipeline represents unreasonable risk to the health and lives of the residents of Dedham. And order spectra and subsidiaries to cease from carrying on any activities in Dedham associated with this pipeline.

Tim Duncan: I am an abutter of about 30 feet from my house. I would support any resolution that would prevent this pipeline from coming through for the health reasons stated if we continue to get steam rolled despite a selectmen going to jail and the pipeline does go through it seems to me the Board of Health does have standing to require that spectra set up monitoring stations for any emissions in a high density zone so there is formaldehyde or gas there is early warning.

Emily D. 398 Mt. Vernon Street expressed her concern about risks of explosions. I hope the Board of Health can prevent this project.

Seamus from West Roxbury expressed his concern and stated there is no advantage to Dedham or West Roxbury. Feels the Board of Health could help to stop this project.

Beth Guston: Ames Street stated she lived in West Roxbury before moving to Dedham and experienced the blasting at the quarry and is concerned about the pipeline being so close to the quarry.

Chris Ryan: Oakdale Avenue I asked about the homeland security issue because Boston is a hot bed of terrorist activity. What will be done about access to this pipeline what about security the answer I got was that the plans for the pipeline will be locked in a very secure area? I can walk down the street and take an I-phone video of them digging up the route! You don't need to hack into government files to find this pipeline. I thought this was the most absurd answer I ever heard. What if an explosion

happened and took out our first responders then what? How long does a gas explosion take to burn off there does are many concerns about this pipeline.

Dr. Scott thanked everyone for coming and voicing your concerns we all live here and have kids that play on the field and have elders that reside close by. A few things I would like addressed and would ask our council to speak as well. I will say my understanding of this from reading the Federal Energy Regulatory Commission did their safety evaluation if you have not read through it all the way I encourage you to do so. There were two meetings held in Dedham with Spectra present to have these conversations over the past two years. We were not in attendance, I do not know if anyone else was. A person from the group interrupted Dr. Scott to say that was not accurate. She said Ferc held a hearing where people could go make comments but there was no dialogue from Spectra and no answers to questions. The only meeting that I have been to that was open to the public was at the Board of Selectmens meeting where Spectra came. There were a few residents there and most people did not know about it. Dr. Teehan and Jim MacDonald, Selectmen stated there was a meeting at the Holiday Inn it was people making comments not a discussion. Dr. Scott asked our counsellors to give us an update on the town of Deerfield and what has and has not happened so far since their Board of Health took the action they did. And secondly give all of us an understanding of what has happened in the Dedham and what those meetings were and where things have gone with the Board of Selectmen.

John Eichmann, Esq. began by saying the town of Deerfield Board of Health acted well in advance of that project. That project is no way near where the project is in Dedham. They are in the pre-filing stage with Ferc they have not actually filed an application with Ferc to site the pipeline looking for a certificate. They have published documents this is how the Board of Health in Deerfield know about it. They had a proposed location that location as you have probably heard was shifted somewhat to take advantage of a utility easement in New Hampshire. It did move up there to some degree but my understanding of the documents I looked at recently is that it is still going thorough Deerfield. The Deerfield Board of Health took it upon them to issue this order. They held a public hearing the pipeline people to come they declined so everybody knows that does not mean that they are then prohibited from contesting that order. They simply declined to come and said we reserve our rights and contest it at whatever time we deem is the right time. The situation is the order is out there. There is no construction there is no filing with Ferc yet at least a final filing. If and when that filing happens they will go through the process just like the process that happened here. They can go to court seek to make arguments against the Board of Health order. They could also just ignore it and force the town of Deerfield to go to court to try to enforce it. I have read the order it is interesting. It does raise a lot of serious health concerns. If it was challenged in court it will be very difficult to sustain it not because of the concerns aren't serious but because of the issue that Seamus alluded to earlier and that is that Federal law entirely encompasses this area of regulation and there is very little that Federal Law will let you do. Seamus mentioned some army base cases I'm not familiar with those cases I've been looking more at the pipeline cases and Jackie has as well. As you know we filed on behalf of the town litigation in Federal Court asking Ferc to move this along as the pipe-line is being constructed and we have yet to be heard within the process that the government gives us to appeal from the Ferc certificate. We have tried to get our objections heard Ferc has essentially allowed a motion for reconsideration but then has said we are still considering that we are not ruling on it we cannot take a further appeal until Ferc rules. Therefore we have filed suit in Federal Court asking the court to tell Ferc you have a duty now because construction is going on and to tell us whether you are going to hear reconsideration and stop the project or not. We are still waiting for that and have hearing on July 13th at the moment there is a motion to move it to July 16th. So that is essentially the summary were we are in Deerfield I have also heard people say it stopped the project that obviously is not the case they simply issued the order and

it's just sitting out there. So the pipeline people are still proceeding up there. The effect of that order will be determined at some time in the future. Jackie Cowan, Esq. added one point of clarification on the litigation actually asks that Ferc be ordered to stop the construction of the pipeline while it considers the towns request for rehearing. So it doesn't really ask Ferc to move along its decision but rather it not allows construction to proceed while it makes its decision. While Ferc is reconsidering our arguments we are precluded from going to court to contest the allowance of the construction. So what we have asked is in order to prevent our right to go to court be rendered totally meaningless we have asked that Ferc stop the construction while they reconsider our arguments and win or lose once they do make a decision they we can go to court and challenge it substantively. Attorney Eichmann said the motion has been posted on the town web site for anyone interested. This was confirmed by Jim MacDonald, Selectman.

Seamus through the chairman: I would like to add to that even if the Board of Health is able to hold up this project for 6-8 months that would have a huge effect. On the health and safety issue the black and white federal law overrides the state law. Actually within the state constitution there is a piece that mentions the public health safety. Legal challenges can stall or halt them. It gives us time.

A woman asked if we have looked at the right of ways to see if they can be used for today's pipeline. Attorney Eichmann said as town council we have not looked at this; are you asking as an engineer or strictly as a property rights perspective. I'm asking you if they have the right to bring this big of a pipeline on a right of way that they got when a pipeline like this would have never been envisioned.

Attorney Eichmann said the right to put utilities in a right of way is very broad. We have looked at it and it is not written in size of pipelines but there is a right in state law to put gas pipelines in public ways. The woman asked even if it doesn't benefit the people who live in the state. That is not a consideration said Attorney Eichmann. Do you have copies of that law and could you put that up on the web site.to which Attorney Eichmann said yes.

Ms. Whitfield said she spoke to some people in Deerfield they stated they used 2 Supreme Court cases Arthur D. Little vs. Cambridge and ASC vs. the Board of Health of Amherst that dealt with anthrax research being conducted in each of the communities. In Cambridge the Health Board banned the research while in Amherst the board voted to allow it to continue. In both of the cases the authority of the boards were upheld by the Supreme Court. Dr. Scott said it will be interesting to see where things go in Deerfield as this in theory and not actually tested at this point. We don't know what the outcome will be but we take that information under advisement.

Dr. Scott said we should talk about the concerns for health impacts in the short and long term and what we know about natural gas pipelines. Both at the site where the gas is extracted the actual location of fracking and what data is out there about health impacts there. And the concern about respiratory ailments nose bleeds, coughs and things like that. My understanding from the literature and possibly Dr. Phillips the actual public health and medical data comes from those communities around the fracking site where the gas is extracted. I would be curious if people have other data or have medical data about fully enclosed pipelines like the one that will be in Dedham. In terms about what research has been done; about health risks along those pathways not where the gas is extracted or where it is compressed or metered but along the pipeline itself.

One woman said she would hope we are not going to wait to find out what happens in Deerfield. We have to act. I think town council should research this extensively and look into the questions people have asked. Dedham has had this forced on us and it is not right.

Dr. Scott said we understand that and I am not implying we need to wait to see what happens in Deerfield. I want us to understand things from the legal end of this as well; hence the point of this meeting to do exactly that. As the Chairperson I want to look at both sides of this issue. The woman said she heard that the regulation stations could affect people up to a mile away. Dr. Scott said in her research she has not come across that fact. I would be happy to hear from anyone that has. I came across Dr. Phillips research myself when I was looking through and reviewing the medical literature. Dr. Scott said she is looking for medical effects of people who live along natural gas lines not at the site of extraction. Not theoretical information. We all understand the theoretical risk what we are most interested in is medical data to back up any potential action that we would take. That is beyond the theoretical risk and fear of this. The lady asked what a theoretical risk is. It is a risk. They fail they leak they explode it is not just theoretical. Dr. Scott responded and quantifying that would be helpful. This is what we talked about when driving in a car there is a risk yet how many people drove in a car to get here tonight probably every one of you. There is data that says for the number of hours you drive in a car this is the risk of having an injury. I would think that would be very helpful and interesting information for all of us to have for every mile of pipeline for every pound per square inch of gas going through every mile of pipeline what is the actual risk to someone in that area. I don't know if that is quantifiably in some way I would imagine that it may be.

Dr. Teehan said what you're asking for doesn't exist. No one will know the answer to the questions you ask for about 30 or 40 years because it's just not possible. So what we have here is a room full of people that are going to live with this project their children are going to grow up across the street from this project they are going to play on the streets and backyards of this project. You guys have to make a decision about what you are going to do you are not going to have the data that you want. But do we want our children growing up with that risk. Is this something that I would be comfortable with that you would be comfortable with that anyone would be comfortable with to simply say well there is no data so we don't have to take action. I find that unacceptable for the sake of these people and for the sake of their families and for the sake that they are going to grow up and have to live with this for 30 or 40 years there is no data. We still have to make a decision about what we are going to do that is right for everyone in this room. And we need to seriously consider what they are asking even if it does fail it doesn't matter. What is to stop you from passing a resolution that tells them to stop construction? Let them take us to court at this point it is past the eleventh hour and anything we can do to stop this project we have to do. Otherwise we live with this for 100 years. And we will find out what the risks are, maybe its minimal maybe it medium maybe it is very high none of us know the answer to that question. I for one don't want to find out we get nothing from this so we shouldn't take any risk.

Leanne responded by saying with all due respect the Board of Health here in Dedham has a good track record for standing up for what is right even if we are standing alone. We have never shied away from anything. The cease and desist order against the MBTA was unheard of but we did it. Banning smoking in our community well before any community did and we were slammed for that by the restaurant

owners but we did it because it was the right thing to do. So I take offense saying we are never going to get that data and can't just say we are going to live with it. That is not what we are saying we are trying to do it the right way none of us are happy at thinking about the risks to any of our community the neighborhoods we are taking this very seriously. We just need to be able to do the most effective thing. I'm concern about the contaminated soil we have been there already with the MBTA so we are not being lack about this project. We are here to listen and to figure out what is the best way for all of us to get through this and to make the statement we need to make for the health and safety of our community, which is what we put our names on the ballot for.

Maryanne Mc Casklen: Washington Street. I am concerned that this is very close to the downtown area and our fire and police station are. If something should happen and the first responders are whipped out that seems like a big concern.

Seamus: When we are talking about risk I don't think it is a good idea to compare it to a car ride. If you crash your car you might get killed or a passenger when you are talking about something this big with high pressure the risks that is associated it connected to the consequences. You have to weigh the risks involved in this.

Attorney Eichmann: I want to address the request for quantifiable evidence. This is not a request to make things difficult for you it is for something that will help us sustain and challenge any order we issue. If we have quantifiable evidence we would be much further along. Speculation is not a very strong basis for an order. That is really what we are asking for here. More people made comments about concerns for radon gas risks and the fact that the pipelines are usually running through rural areas not congested areas such as Dedham and West Roxbury. Therefore the data needed is not available yet and as a town we have nothing to lose from you as a board taking action.

Leanne through the chair would eight of our attorneys from Kopleman and Paige knows what Westwood and Boston /West Roxbury. Is there any outcry from another community with the exception of Deerfield? Attorney Cowan said not from Westwood for sure. Boston is harder to characterize they some for lack of a better term representatives state representatives who have called themselves the Boston Delegation have filed a request with Ferc that Ferc stop the construction while the consider the request for reconsideration that I spoke about earlier. That was denied. Other than that no we have not seen any evidence of an outcry. They are behind Dedham. Our information is that Algonquin has not applied for the permits they need from Boston. Attorney Eichmann: As far as I know they have not applied for a permit to basically break ground on the streets in Boston. But that is not far away, obviously, if you look at their schedule. Attorney Cowan: Other than the request to Ferc that came from the state house we haven't seen anything from Boston and nothing from Westwood.

Leanne asked it there has been any push-back. I know this has come a long way through the country. Attorney Eichmann said in New York there has been much more opposition they are crossing the Hudson River which has caused a great deal of tension. It has generated a lot of filings with the Algonquin certificate.

A woman stated that the number of requests for re-hearings has been huge all along the pipeline. My understanding is that only 5% of pipeline projects are actually granted. That is indicative of how much concern there is about this project. What is frustrating is that every town is on their own in fighting it and Spectra has not always been honest about meeting times when I spoke to them on my front door step. In Dedham's town meeting when they voted to give the Board of Selectmen jurisdiction to negotiate the parkland instead of Parks and Recreation, a Spectra representative they told the Westwood town meeting that Dedham had just approved the entire project after town meeting. I think if Westwood had learned about it earlier or had more information they would have been more active in their opposition. They were given misinformation by Spectra.

BU Professor Nathan Phillips: Information on pipelines is exempt from public records laws in the Commonwealth. Utilities like National Grid come into agreements with cities and towns on sharing location and pipeline information with cities only if the data be deemed not public records. Those are the low pressure pipelines not the high pressure pipelines. The arguments that are being made and the need to withhold information from the public for safety reasons are inconsistent with a process by which everyone here knows where the pipeline is and it is a matter of public record. I know that is National Grid not Spectra but it is a kind of state thing not federal. It is an inconsistency as pointed out by Homeland Security. There is an inconsistency in the way safety is addressed with regard to knowledge of the pipeline.

Jason Brogan: Through the chair. Through the research you have done on the low pressure gas lines have you come across any health data related to health risks.

Prof. Phillips: I have had conversations in environmental health a colleague of mine John Levy at Boston University where when the methane comes out the ground through a leak the chemistry of that is that it does react in the presence of light form ozone. But the location of where that ozone is formed is more or less likely to be distributed over larger area rather than just at the point of the leak. That makes it a bit of a tricky problem it's a more common type of problem all of these leaks are really degrading the air at the city level more than they are degrading the air right at the point of the leak. That is just one aspect. The science is complicated on the atmospheric chemistry. Jason asked if he would have any data around the risks of low pressure vs high pressure gas lines; for both leak rate or explosion risk. Prof. Phillips said that the leak rate is probably higher on the low pressure gas lines because they are older and when you have an event on a high pressure line it is usually catastrophic like the San Bruno explosion. So there are more diligent about making sure these things are not leaking but again when they do go the consequences are much greater. Jason asked what percentage of Boston has low pressure gas lines. Prof. Phillips said in terms of number of pipelines it dwarf's it is like asking how many miles of interstate freeway there is in Massachusetts vs. how many streets it's probably 100 or 1000 times as many low pressure lines than high pressure lines. It's like a tree the trunk line the actual linier distance is much less than adding up all of the lines; again it's more critical vulnerable infrastructure.

Mr. Matt Hickey an abutter said that most of his issues have been brought up. I think this pipeline is a bad idea. He wanted to thank the board of health and speaking for myself I appreciate your efforts in the past to keep Dedham health and wanted to make that clear. Regarding what Prof. Phillip's was

saying about radon being in the fracked gas Spectra and Ferc won't even list what could potentially be in the gas. There could be things in the pipeline and they won't even tell us about it. He brought up San Bruno, I don't know if any of you have been those pictures or are familiar with that accident that was completely human error. It was a different pipeline than the one going through Dedham but the pipeline workers thru the wrong valve and took out an entire neighborhood. This pipeline is 750 psi and will be operating 24/7 so at any given time this pipeline will have millions of pounds of fuel in it with thousands of moving parts built by the lowest bidder. I am a big fan of electric lights and hot showers I just don't think this is the way to do it. There are a lot of people in this room that are smarter than I am and my next question is what are we prepared to do about it. People have said this is the 11th hour it's more like 2 minutes to midnight. Whatever actions you can take I would encourage you to take them even if we lose it buys us time to get the data that you need to mount another attack. Should we fail and this pipeline does go through I would encourage the members of the board to make sure this pipeline goes in as cleanly and as safely as possible.

Attorney Cowan stated that there has been a lot of talk about buying time and I understand where that sentiment comes from. But to be clear if the Board of Health acts it doesn't by itself it's not spontaneous it doesn't stop Algonquin from constructing right now they have the Federal authorization to construct. John spoke earlier about they would keep working and the board would then have to go to court it would have to go to State court to enforce this order. And then the court would have to order a stay which is what we have asked the court to do so if they do that that's great but by itself stop anything.

Jason asked if there is any material benefit by the Board of Health trying to issue an order on top of the order that has already been issued by the Board of Selectmen, would it do anything more. Attorney Cowan said just to be clarify the Board of Selectmen hasn't issued an order we have gone to court to seek an order from the court.

Attorney Eichmann: I don't want to say it has no benefit for a couple of reasons one is the concerns the Board is hearing something that they want to do as much as they can to put in some concrete action or decide that they can't do anything. The Town already has taken an appeal they are within the legal confines of the appeal that the law gives them. This action; an order to stop the pipeline there is a jurisdictional statute for a Board of Health to act in the state but there is no real case law that suggests that a local Board of Health would be able under its own jurisdiction to stop a Federal project. Essentially if we went that route and forced the conclusion in court we would be looking at somewhat of an anomalous issue and the case law doesn't suggest much success. So I can't say that if we went this route we could be confident that we could succeed I don't think that is true. It doesn't mean you can't take the action but if anyone is looking at the Board of Health to say this is the way we are going to do it I don't think that is a good conclusion.

Virginia: This is the one action we can take and I think we should take that action. It may not amount to anything but that is the power the Board of Health has. It may not cover the whole thing but it covers this area. I would like to ask does a high transmission pipeline count as a utility if it doesn't serve the town. Attorney Eichmann responded he thought it is a utility.

Attorney Cowan said don't forget the overlay it comes under the Federal law it comes under the gas act.

Leanne asked the legal team: You mentioned there may not be an advantage to any action taken by the Board; is there a negative to it could it for lack of another term could it hurt the path the Board of Selectman is going down. Attorney Eichmann said there is a slim chance it could backfire on the town in the sense that any time you take legal action in court you are required to have a legal basis for that. You can't just say we don't care what the law says we are going into court and sue you. You do that and ultimately the court could look at that and say this is a misuse of the legal process and here is your fine. So there is a possibility of sanctions if you don't have a basis for what you do. We have been talking about putting together a basis here tonight the Board has suggested it helps to have some concrete evidence of the health effects of the pipeline and I think that is correct. I can't tell you exactly what the success would be I don't know and I really don't want to go too far into the pluses and minuses when we haven't done anything and we are in public session and talking about pluses and minuses of a legal action the is generally not a good practice.

Leanne asked would it have a negative effect on what the Board of Selectmen is moving forward with. Could it jeopardize that in any way? Attorney Cowan said I will reiterate what John said about slim what I could foresee happening is we are seeking legal relief from the courts and we have a very narrow opening that we are trying to exploit in the court action. Algonquin may very well come into court and say they are seeking relief from you from the court while they are essentially taking the law into their own hands over here by doing something that they will argue does not have a valid legal basis. Judges do take a real world view of things and I don't know if they would follow that argument where Algonquin would like them to follow it. But there is a slim chance that the court would say you can't seek legal relief here and then try to do what you want with the law over there. Algonquin filed a motion to dismiss our action which is not unexpected. In their opening statement said never in their 80 years of jurisprudence under the natural gas act has anyone tried what we are doing? I find that hard to believe one entity that should know something about it says never been done before. I bring that up only to say that the chances of us finding a case where someone has filed the type of case we have filed and then the local board of health or a local board has taken action to try and stop it another way you have heard of a needle in a haystack. We don't want to get too far into legal strategy we have not decided exactly how we will proceed here. The obvious thing is if our case that we have now is dismissed that wouldn't be a bar proceeding with this at least not in the sense that we are undermining that case. There might be a ruling of law in that case that would give us problems if we try to proceed further and we don't know what that would be.

A woman asked after what we have heard tonight if you were to pinpoint where you think the best case is from a public health and safety point of view where would that be. Dr. Scott said she was grateful for your time here but we are getting beyond what the scope of what this meeting was meant to be about. I think it is helpful to hear what the legal thoughts are but that conversation that happens between our counselors and the Board of Selectmen and then depending on what the Board of Health decides tonight which is what the point of the meeting is tonight. I think we should stop that discussion. Attorney Eichmann said we have heard a lot of concerns essentially anything that has to do with the public health that we can somehow quantify would be helpful. I don't know what exactly that would be

.Dr. Scott said she felt there were further concerns about what are some legal strategies that we could pursue that people want to talk about on a more individual basis that we can then pass through to our counsel. I think we would be open to that as I'm sure the Board of Selectmen would be as well.

Mike Butler, Selectmen thanked Dr. Scott and the Board for holding the meeting. He said Selectmen Keogh, Teehan and MacDonald were here this evening and we are at that point where going a little bit further into potential litigation strategies be discouraged from discussion at this time. On the advice of counsel we are involved in litigation and as such those sorts of discussions are best held at another time. We have listened tonight and appreciate the phone calls and e-mails that is all I will say because we are in litigation.

Dr. Scott said she appreciated the Board of Selectmen being here tonight. We are grateful for the work that you are doing on behalf of the town I am glad that we are starting to have the Board of Health be involved in this conversation I only wish it had happened sooner that we could have been in a forum like this. We are here now and do hear everyone's concerns. I will open it up for discussion with the board members. Thank you again for being here tonight and communicating your thoughts so effectively from your hearts and your brains what your concerns are for our town and our children and all of us who live here. I will open it up for discussion from the board members. Jason said he had no comment at the moment. Leanne said I share all of your concerns as well my concern is by us taking an action right now not that we are not willing or we don't think that it is the right thing to do, I'm speaking for myself now,. I don't want to jeopardize what already starting to move forward with the litigation and the Board of Selectmen. So I would like to think about we reserve any action right now until what is in the courts is further along for no other reason to not jeopardize that.

Dr. Scott said from a heart-felt stand point and as a parent and resident very much hear and feel what these concerns are and I am trying to take very seriously what my role is as a member and chair of this board and judiciously using our taxpayers money to accomplish the goals that we have to protect the health of the town I am hesitant to put forward a motion tonight that orders anybody to cease and desist what they are doing if I do not know how we would back that up. We have not had any real conversation what it would then take to do that other than briefly what you have all heard tonight. I think we are talking about making some sort of statement that we would then take to the courts I would very much want to understand what that path would entail for us as a town before I was willing to commit to something like that. I also do not want to be making statements tonight that I feel we can't back up in anyway. Or decide later to not back up I don't think that puts us in a very strong position going forward. So that is my thoughts as of this moment. Jason said he concurs and we should take everything under advisement that we have heard tonight and consult with counsel about our next steps.

Leanne motioned to meet with town counsel in executive session to examine what potential action we can take as a board keeping in mind the litigation that is already present. Jason seconded the motion. Dr. Scott asked for any discussion; all in favor: aye opposed none. Motioned accepted.

Dr. Scott said to summarize the Board of Health has had open comments from the public we have heard their concerns. At this point our plan is to take this under advisement, confer with town counsel in

executive session to examine what potential action could be taken at this point. Leanne said please know that we share your concerns and by no means are trying to sweep this under the carpet so we don't have to deal with it. We are just as concerned as all of you are. Jason said I know people are looking for an outcome but we need to confer with counsel about this.

Leanne motioned to adjourn the meeting Jason seconded the motion. Dr. Scott adjourned the meeting at 8:24p.m.

Dr. Sarah Rosenberg-Scott, Chairperson